UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

LISA MODRUSIC,)	
Plaintiff,)	
vs.)	No. 4:05CV1407-SNL
BAUMFOLDER CORPORATION,)	
Defendant.)	

ORDER

Plaintiff's motion for amendment of the Case Management Order is before the Court.

Defendant has replied in opposition.

The Court issued its first Case Management Order January 24, 2006, and amended it by request and consent of the parties May 8, 2006. The case is set for trial February 5, 2007. Plaintiff's request would require a continuance to April or May of 2007.

The basis of plaintiff's request is that her deposition has not been taken and experts cannot be properly designated until the deposition is taken. In addition, plaintiff states that she has been unable to take the deposition of a corporate representative of her employer, Swift Print Communications, LLC. As the Case Management Order has been amended one prior time extending the time of trial, the Court is reluctant to grant a further extension. Although the Court realizes that a deposition of the plaintiff will be a written, factual account of her situation, that should not preclude the securing of experts. Surely plaintiff can consult with experts of her choice so that they can be prepared properly to testify in her behalf.

Should it appear that defendant is intentionally delaying the case in preventing the plaintiff

from obtaining discovery, the Court could consider the matter at a later time. At this stage, it does not appear from the present record that the plaintiff is prejudiced because of the action or inaction of the defendant.

IT IS THEREFORE ORDERED that plaintiff's request to amend the Case Management Order, dated June 30, 2006, is **DENIED**.

Dated this 14th day of July, 2006.

SENIOR UNITED STATES DISTRICT JUDGE